IN THE HIGH COURT OF JUDICATURE
FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.9416/2007.

Abdul Sattar & Ors.
Vs.
Kishan Lal & Ors.

Date of order : 13/11/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Dharamveer Tholia for the petitioners.

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BY THE COURT:-

Heard learned counsel for the petitioners.

The defendants-petitioners have challenged the order dated 22/3/2006 by which the learned Civil Judge (Junior Division) Jhunjhunu has passed the order of injunction in favour of plaintiff-respondents thereby directing the parties to maintain status-quo with regard to the land in dispute and also the order dated 20/9/2007 whereby, their appeal filed against that order was rejected by the court of learned Additional District Judge (Fast Track) No.1, Jhunjhunu.

Having heard learned counsel for the petitioners and perused the impugned-orders, I find that both the orders were passed finding a prima-facie case of directing stats-quo between the parties in view of the fact that Patta No.38 in regard to the land in dispute i.e. Khasra No.151 was issued in favour of the plaintiff in exchange of a sum of Rs.1200/- and both the courts have merely directed to maintain status-quo with regard to the land in dispute during pendency of the main suit. Learned counsel at this stage, also raised an objection with regard to jurisdiction of the court below to try the suit in relation to the revenue land. This issue may require to be framed by the court as a preliminary issue on petitioners' applying to that court for doing so but that cannot be granted for reversing the injunction order passed by the learned courts below in favour of the plaintiff.

I do not find any merit in this writ petition. The same is accordingly dismissed.

(MOHAMMAD RAFIQ), J.

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